

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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|------------------------------------|---|-------------------------------------|
| JONATHAN CASIEL, |) | CASE NO. 4:18CV2292 |
| CHAVEZ CARDOZA, et al., |) | |
| |) | |
| Petitioners, |) | JUDGE CHRISTOPHER A. BOYKO |
| |) | |
| vs. |) | |
| |) | |
| CHRISTOPHER LaROSE, Warden, |) | <u>MEMORANDUM OF OPINION</u> |
| et al., |) | <u>AND ORDER</u> |
| |) | |
| Respondents. |) | |

CHRISTOPHER A. BOYKO, J:

This matter is before the Court on Magistrate Judge William H. Baughman, Jr.’s Reports and Recommendations (Docs. 20 and 21). In his first Report and Recommendation, (Doc. 20), the Magistrate Judge recommended the Court grant the Federal Respondents’¹ Motion to Dismiss (Doc. 12)² because Petitioners’ request for habeas relief is moot due to their release from the custody of U.S. Immigration and Customs Enforcement. In his second Report and Recommendation, (Doc. 21), the Magistrate Judge recommended the Court grant the Federal

¹ The “Federal Respondents” are Thomas Homan; Rebecca Adducci; Secretary Kirstjen Nielsen; and Attorney General Jefferson Sessions.

² On May 24, 2019, Respondent Christopher LaRose sought to join his co-Respondents’ Motion to Dismiss. (Doc. 17).

Respondents' Motion to Dismiss, Transfer or Stay Pending Resolution of *Damus v. Nielsen, et al.*, No. 18-cv-578 (D.D.C.) (Doc. 9) and dismiss Petitioners' Motion for Preliminary Injunction (Doc. 2) without prejudice. Objections to the Reports and Recommendations were due by August 6, 2019. Petitioners have not filed an objection to the Reports and Recommendations.

Federal Rule of Civil Procedure 72(b) provides that objections to a report and recommendation must be filed within fourteen days after service. FED. R. CIV. P. 72(b)(2). Petitioner has failed to timely file any such objections. Therefore, the Court must assume that Petitioner is satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be duplicative and an inefficient use of the Court's limited resources. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

Accordingly, the Court **ADOPTS** the Reports and Recommendations of the Magistrate Judge (Docs. 20 & 21); **GRANTS** Respondent LaRose's Joinder in Federal Respondents' Motion to Dismiss (Doc. 17); **GRANTS** the Federal Respondents' Motion to Dismiss (Doc. 12); and **DISMISSES** Petitioners' Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (Doc. 4) as moot and for a lack of subject matter jurisdiction. The Petition is dismissed as to all Respondents.

Furthermore, the Court **GRANTS** the Federal Respondents' Motion to Dismiss, Transfer or Stay Proceedings (Doc. 9) and **DISMISSES** Petitioners' Motion for Preliminary Injunction (Doc. 2) **without prejudice** as to all parties.

Since Petitioners have not made a substantial showing of a denial of a constitutional right directly related to their conviction or custody, the Court declines to issue a certificate of appealability. 28 U.S.C. § 2253(c)(2); FED. R. APP. P. 22(b).

IT IS SO ORDERED.

s/Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge

Dated: August 30, 2019